

REMARKS

Amendments to the claims

Claims 1 and 9 have been clarified to recite deciding an "*optimum tilt-correcting amount by making use of measuring an offset amount on the basis of a relationship between the pre-pit signal and the RF signal and making use of the measured offset amount*". These language clarifications are supported by the application as filed, for example Fig. 12 and the corresponding portion of the specification.

No new matter has been added.

Rejection under 35 U.S.C 102

Claims 1 and 6-9 stand rejected under 35 U.S.C. 102(b) as being unpatentable over Published U.S. Patent Application No. 2002/0067672 to Yanagawa. The Applicants respectfully disagree.

Claim 1

The Examiner opines that Yanagawa discloses "*a correcting-amount deciding unit configured to decide an optimum tilt-correcting amount by making use of a relationship between the pre-pit signal and the RF signal (75, 80 and 87, fig. 14 and S13, fig. 18)*".

Applicants respectfully disagree and note that in fig. 18, S13 relates to determining "*if the push-pull signal such as tracking error signal TE contains an LPP signal component corresponding to an LPP or not*", wherein if "*the push-pull signal does not contain any LPP signal component, the disk is determined to be a DVD-RAM*" (see for example col. 14, lines 18-24). Applicants respectfully submit that S13 does not relate to deciding "*an optimum tilt-correcting amount*", but to determining the type of disk (and the particular tilt servo to be used therewith) and, importantly, does not relate to "*measuring an offset amount on the basis of a relationship between the pre-pit signal and the RF signal*", but to checking the presence of LPP in the TE signal.

Applicants note that tilt correction ROM 80 and 87 of Fig. 14 of Yanagawa receive signals derived from the RF signal issued by adder 37, but do not appear to receive

signals related to the LPP signal. Applicants further note that tilt correction ROM 75 receives a signal derived from the output of adder 69, which receives the outputs of multiplier 44 and subtracter 40, wherein the output signal of the subtracter 40 is a push-pull of the main beam and the output signal of the multiplier 44 is a push-pull of the sub beams (col. 7, lines 26-29), and wherein "*the push-pull component of the output of the adder 69 is cancelled to leave only the DC component*" (col. 7, lines 54-57). Applicants accordingly note that since the push-pull component of the output of the adder 69 is cancelled, ROM 75, which receives a signal derived from the output of adder 69, cannot be deemed to receive a signal that is related to the LPP signal. Accordingly, Applicants respectfully submit that the Examiner has failed to show that any of the ROMs 75, 80 and 87 of Yanagawa discloses or suggests "*a correcting-amount deciding unit configured to decide an optimum tilt-correcting amount by measuring an offset amount on the basis of a relationship between the pre-pit signal and the RF signal*".

In view of the above, Applicants respectfully submit that the Examiner has failed to show that Yanagawa discloses or suggests an apparatus as recited in claim 1, and submit that claim 1 is patentable over Yanagawa.

Claim 9

The Applicants respectfully submit that the above arguments can be used to show that Yanagawa fails to disclose or suggest a method as recited in clarified claim 9, and in particular comprising "*deciding an optimum tilt-correcting amount by measuring an offset amount on the basis of a relationship between the pre-pit signal and the RF signal and making use of the measured offset amount*". Applicants accordingly respectfully submit that claim 9 is patentable over Yanagawa.

Claims 6-8

Claims 6-8 depend directly or indirectly on claim 1. The Applicants respectfully submit that at least in view of their dependency, claims 6-8 are patentable over Yanagawa.

Allowable subject Matter

The Applicants acknowledge with gratitude the Examiner's indication of allowability as to claims 2-5 if rewritten in independent form. The Applicants however respectfully submit that claims 2-5 are patentable even without being rewritten in independent form, at least in view of their dependency on claim 1.

* * *

In view of the above, Applicants submit that the application is now in condition for allowance and respectfully urge the Examiner to pass this case to issue.

The Commissioner is authorized to charge any additional fees that may be required or credit overpayment to deposit account no. 12-0415. In particular, if this response is not timely filed, the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136(a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 12-0415.

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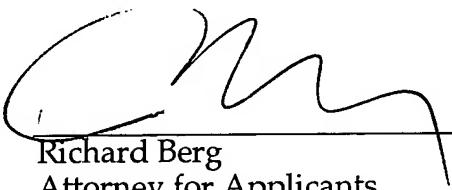
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